

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PETER PAGAN,

Petitioner,

v.

No. 23-cv-0251 JB-JHR

No. 15-cr-4078 JB-JHR

UNITED STATES OF AMERICA,

Respondent.

ORDER TO SUBMIT CLOSING DOCUMENTS

This matter is before the Court on Petitioner Peter Pagan's Unopposed Amended Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 (CV Doc. 9) (Amended Motion). Pagan filed the Amended Motion through his counsel, Emily Carey. He seeks to vacate his 18 U.S.C. § 924(c) firearm conviction under *United States v. Taylor*, 142. S. Ct. 2015 (2022). It appears the United States agrees *Taylor* impacts Pagan's § 924(c) conviction and that he should be resentenced. The parties intend to discuss whether they can agree on a new proposed sentencing range prior to any resentencing.

Assuming relief is unopposed under *Taylor* and § 2255, **IT IS ORDERED** that within thirty (30) days of entry of this Order: (1) the parties shall meet and confer regarding a proposed sentencing range, if any; and (2) counsel for Pagan shall submit to the assigned District Judge a Stipulated Order granting the Amended Motion, signed by representatives for both parties. If the Stipulated Order is entered, the Court will draft its own separate judgment, writ, and/or notice setting a hearing date.

IT IS FURTHER ORDERED that if the United States opposes relief, it must file an answer within thirty (30) days of entry of this Order. The answer should address the Amended

Motion, which is now the controlling pleading in this case.



HON. JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE